

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(609) 989-2040

CHAMBERS OF
TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE
402 E. STATE STREET, RM 6052
TRENTON, NJ 08608

July 16, 2012

LETTER ORDER

Re: American General Life Insurance Company v. Ellman Savings Irrevocable Trust, et al.
Civil Action No. 08-5364 (MLC)

Dear Counsel:

The Court has reviewed American General Life Insurance Company's ("American General") request seeking permission to proceed with the deposition of Defendant Jeffrey Levitin as well as Defendants Ellman Savings Irrevocable Trust and Jeffrey Levitin's (collectively, the "Trust") response in opposition thereto. The Trust's principle argument in opposition to Mr. Levitin's deposition going forward at this time is that the discovery issues most recently raised in the Trust's motion for sanctions should be addressed first. The Trust also argues that American General has not yet noticed Mr. Levitin's deposition and that any information Mr. Levitin has concerning Fifth Season Financial, LLC ("Fifth Season") is protected by the attorney-client privilege.

The Court notes that It recently addressed the parties' discovery issues, including the Trust's motion for sanctions. The Court ordered that certain information be produced by July 31, 2012. While the Court is anxious to move this case forward, the Court believes that the most efficient approach regarding depositions is to continue to stay same pending the aforementioned

production of documents. Nevertheless, the Court shall permit party depositions, including Mr. Levitin's, to commence as of September 2012. As such, the Court encourages counsel to begin noticing and scheduling same.

With respect to Mr. Levitin's deposition, once noticed, to the extent Mr. Levitin intends to object to testifying based on the attorney-client privilege, he is directed to file a formal motion to quash. Any such motion must be filed within two weeks of the notice of deposition being served.

IT IS SO ORDERED.

s/Tonianne J. Bongiovanni
TONIANNE J. BONGIOVANNI
United States Magistrate Judge